

1 AN ACT in relation to transportation.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Illinois Vehicle Code is amended by  
5 changing Sections 18c-1703, 18c-7401, and 18c-7402 as  
6 follows:

7 (625 ILCS 5/18c-1703) (from Ch. 95 1/2, par. 18c-1703)

8 Sec. 18c-1703. Investigations and Arrests. (1)  
9 Enforcement Officers and Investigators. Enforcement officers  
10 and investigators appointed by the Commission shall have, and  
11 may exercise throughout the state, all the powers of police  
12 officers when enforcing provisions of this Chapter, subject  
13 to the regulations and orders of the Commission.

14 (2) Investigations.

15 (a) General Provisions. The Commission, through its  
16 employees, shall conduct such investigations as are necessary  
17 for the enforcement of this Chapter.

18 (b) Examination, Audit and Production of Records.  
19 Authorized employees of the Commission shall have the power  
20 at any and all times to examine, audit, or demand production  
21 of all accounts, books, records, memoranda, and other papers  
22 in the possession or control of a license or registration  
23 holder, its employees or agents. In addition, every person  
24 other than a license or registration holder and every  
25 officer, employee or agent of such person shall permit every  
26 authorized employee of the Commission, upon administrative  
27 subpoena issued by the Chairman or his designee or the  
28 Attorney General, to inspect and copy any accounts, books,  
29 records, memoranda, letters, checks, vouchers, telegrams,  
30 documents, or other papers in its possession or control which  
31 the Commission deems necessary to the proper conduct of an

1 investigation to determine whether provisions of this  
2 Chapter, Commission regulations or orders, have been  
3 violated.

4 (c) Inspection of Equipment and Facilities. Authorized  
5 employees of the Commission shall have the power at all times  
6 to inspect the equipment, facilities, and other property of  
7 the licensee in the possession or control of a carrier or  
8 broker, its employees or agents.

9 (d) Special Investigations. The Commission may also  
10 conduct special investigations as necessary for the  
11 enforcement of this Chapter. Where such person is found by  
12 the Commission to have violated this Chapter, and where the  
13 Commission imposes a sanction for such violation under  
14 Section 18c-1704 of this Chapter, the Commission may impose  
15 on such person an assessment of reasonable expenses incurred  
16 by the Commission in the investigation and subsequent  
17 proceeding. Such assessment shall not exceed a fee of \$100  
18 per work day or \$50 per half work day, per employee, for the  
19 payroll costs of the Commission staff, plus actual  
20 transportation (in accordance with applicable state employee  
21 travel expense reimbursement regulations) and all other  
22 actual expenses incurred in the special investigation and  
23 subsequent proceeding.

24 (3) Arrests and Citations. The Commission shall make  
25 arrests and issue notices of civil violations where necessary  
26 for the enforcement of this Chapter. No rail carrier employee  
27 shall be arrested for violation of this Chapter, except that  
28 a rail carrier employee may be arrested and prosecuted for a  
29 violation of subdivision (1)(e) of Section 18c-7402 where he  
30 or she is an officer or director of the rail carrier whose  
31 managerial duties include the establishment, maintenance, or  
32 supervision of the rail carrier's routes, traffic, or  
33 timetables, or whose managerial duties include the  
34 supervision of, oversight of, or responsibility for track or

1 other railroad-related construction, maintenance, or  
2 improvements. No person operating a motor vehicle in  
3 violation of the licensing or safety provisions of this  
4 Chapter shall be permitted to transport property or  
5 passengers beyond the point of arrest unless, in the opinion  
6 of the officer making the arrest, it is necessary to  
7 transport the property or passengers to another location to  
8 insure their safety or to preserve or tend cargo carried in  
9 the vehicle.

10 (Source: P.A. 85-553.)

11 (625 ILCS 5/18c-7401) (from Ch. 95 1/2, par. 18c-7401)

12 Sec. 18c-7401. Safety Requirements for Track,  
13 Facilities, and Equipment.

14 (1) General Requirements. Each rail carrier shall,  
15 consistent with rules, orders, and regulations of the Federal  
16 Railroad Administration, construct, maintain, and operate all  
17 of its equipment, track, and other property in this State in  
18 such a manner as to pose no undue risk to its employees or  
19 the person or property of any member of the public.

20 (2) Adoption of Federal Standards. The track safety  
21 standards and accident/incident standards promulgated by the  
22 Federal Railroad Administration shall be safety standards of  
23 the Commission. The Commission may, in addition, adopt by  
24 reference in its regulations other federal railroad safety  
25 standards, whether contained in federal statutes or in  
26 regulations adopted pursuant to such statutes.

27 (3) Railroad Crossings. No public road, highway, or  
28 street shall hereafter be constructed across the track of any  
29 rail carrier at grade, nor shall the track of any rail  
30 carrier be constructed across a public road, highway or  
31 street at grade, without having first secured the permission  
32 of the Commission; provided, that this Section shall not  
33 apply to the replacement of lawfully existing roads, highways

1 and tracks. No public pedestrian bridge or subway shall be  
2 constructed across the track of any rail carrier without  
3 having first secured the permission of the Commission. The  
4 Commission shall have the right to refuse its permission or  
5 to grant it upon such terms and conditions as it may  
6 prescribe. The Commission shall have power to determine and  
7 prescribe the manner, including the particular point of  
8 crossing, and the terms of installation, operation,  
9 maintenance, use and protection of each such crossing.

10 The Commission shall also have power, after a hearing, to  
11 require major alteration of or to abolish any crossing,  
12 heretofore or hereafter established, when in its opinion, the  
13 public safety requires such alteration or abolition, and,  
14 except in cities, villages and incorporated towns of  
15 1,000,000 or more inhabitants, to vacate and close that part  
16 of the highway on such crossing altered or abolished and  
17 cause barricades to be erected across such highway in such  
18 manner as to prevent the use of such crossing as a highway,  
19 when, in the opinion of the Commission, the public  
20 convenience served by the crossing in question is not such as  
21 to justify the further retention thereof; or to require a  
22 separation of grades, at railroad-highway grade crossings; or  
23 to require a separation of grades at any proposed crossing  
24 where a proposed public highway may cross the tracks of any  
25 rail carrier or carriers; and to prescribe, after a hearing  
26 of the parties, the terms upon which such separations shall  
27 be made and the proportion in which the expense of the  
28 alteration or abolition of such crossings or the separation  
29 of such grades, having regard to the benefits, if any,  
30 accruing to the rail carrier or any party in interest, shall  
31 be divided between the rail carrier or carriers affected, or  
32 between such carrier or carriers and the State, county,  
33 municipality or other public authority in interest. However,  
34 a public hearing by the Commission to abolish a crossing

1 shall not be required when the public highway authority in  
2 interest vacates the highway. In such instance the rail  
3 carrier, following notification to the Commission and the  
4 highway authority, shall remove any grade crossing warning  
5 devices and the grade crossing surface.

6 The Commission shall also have power by its order to  
7 require the reconstruction, minor alteration, minor  
8 relocation or improvement of any crossing (including the  
9 necessary highway approaches thereto) of any railroad across  
10 any highway or public road, pedestrian bridge, or pedestrian  
11 subway, whether such crossing be at grade or by overhead  
12 structure or by subway, whenever the Commission finds after a  
13 hearing or without a hearing as otherwise provided in this  
14 paragraph that such reconstruction, alteration, relocation or  
15 improvement is necessary to preserve or promote the safety or  
16 convenience of the public or of the employees or passengers  
17 of such rail carrier or carriers. For the purpose of this  
18 Section, a minor alteration shall include the installation of  
19 any type of remote control track switch, technical or  
20 operational improvement, or any other actions the Commission  
21 deems necessary to reduce the occupancy of crossings by  
22 trains and increase public safety. By its original order or  
23 supplemental orders in such case, the Commission may direct  
24 such reconstruction, alteration, relocation, or improvement  
25 to be made in such manner and upon such terms and conditions  
26 as may be reasonable and necessary and may apportion the cost  
27 of such reconstruction, alteration, relocation or improvement  
28 and the subsequent maintenance thereof, having regard to the  
29 benefits, if any, accruing to the railroad or any party in  
30 interest, between the rail carrier or carriers and public  
31 utilities affected, or between such carrier or carriers and  
32 public utilities and the State, county, municipality or other  
33 public authority in interest. The cost to be so apportioned  
34 shall include the cost of changes or alterations in the

1 equipment of public utilities affected as well as the cost of  
2 the relocation, diversion or establishment of any public  
3 highway, made necessary by such reconstruction, alteration,  
4 relocation or improvement of said crossing. A hearing shall  
5 not be required in those instances when the Commission enters  
6 an order confirming a written stipulation in which the  
7 Commission, the public highway authority or other public  
8 authority in interest, the rail carrier or carriers affected,  
9 and in instances involving the use of the Grade Crossing  
10 Protection Fund, the Illinois Department of Transportation,  
11 agree on the reconstruction, alteration, relocation, or  
12 improvement and the subsequent maintenance thereof and the  
13 division of costs of such changes of any grade crossing  
14 (including the necessary highway approaches thereto) of any  
15 railroad across any highway, pedestrian bridge, or pedestrian  
16 subway.

17 Every rail carrier operating in the State of Illinois  
18 shall construct and maintain every highway crossing over its  
19 tracks within the State so that the roadway at the  
20 intersection shall be as flush with the rails as  
21 superelevated curves will allow, and, unless otherwise  
22 ordered by the Commission, shall construct and maintain the  
23 approaches thereto at a grade of not more than 5% within the  
24 right of way for a distance of not less the 6 feet on each  
25 side of the centerline of such tracks; provided, that the  
26 grades at the approaches may be maintained in excess of 5%  
27 only when authorized by the Commission.

28 Every rail carrier operating within this State shall  
29 remove from its right of way at all railroad-highway grade  
30 crossings within the State, such brush, shrubbery, and trees  
31 as is reasonably practical for a distance of not less than  
32 500 feet in either direction from each grade crossing. The  
33 Commission shall have power, upon its own motion, or upon  
34 complaint, and after having made proper investigation, to

1 require the installation of adequate and appropriate luminous  
2 reflective warning signs, luminous flashing signals, crossing  
3 gates illuminated at night, or other protective devices in  
4 order to promote and safeguard the health and safety of the  
5 public. Luminous flashing signal or crossing gate devices  
6 installed at grade crossings, which have been approved by the  
7 Commission, shall be deemed adequate and appropriate. The  
8 Commission shall have authority to determine the number,  
9 type, and location of such signs, signals, gates, or other  
10 protective devices which, however, shall conform as near as  
11 may be with generally recognized national standards, and the  
12 Commission shall have authority to prescribe the division of  
13 the cost of the installation and subsequent maintenance of  
14 such signs, signals, gates, or other protective devices  
15 between the rail carrier or carriers, the public highway  
16 authority or other public authority in interest, and in  
17 instances involving the use of the Grade Crossing Protection  
18 Fund, the Illinois Department of Transportation.

19 No railroad may change or modify the warning device  
20 system at a railroad-highway grade crossing, including  
21 warning systems interconnected with highway traffic control  
22 signals, without having first received the approval of the  
23 Commission. The Commission shall have the further power,  
24 upon application, upon its own motion, or upon complaint and  
25 after having made proper investigation, to require the  
26 interconnection of grade crossing warning devices with  
27 traffic control signals at highway intersections located at  
28 or near railroad crossings within the distances described by  
29 the State Manual on Uniform Traffic Control Devices adopted  
30 pursuant to Section 11-301 of this Code. In addition, State  
31 and local authorities may not install, remove, modernize, or  
32 otherwise modify traffic control signals at a highway  
33 intersection that is interconnected or proposed to be  
34 interconnected with grade crossing warning devices when the

1 change affects the number, type, or location of traffic  
2 control devices on the track approach leg or legs of the  
3 intersection or the timing of the railroad preemption  
4 sequence of operation until the Commission has approved the  
5 installation, removal, modernization, or modification.  
6 Commission approval shall be limited to consideration of  
7 issues directly affecting the public safety at the  
8 railroad-highway grade crossing. The electrical circuit  
9 devices, alternate warning devices, and preemption sequences  
10 shall conform as nearly as possible, considering the  
11 particular characteristics of the crossing and intersection  
12 area, to the State manual adopted by the Illinois Department  
13 of Transportation pursuant to Section 11-301 of this Code and  
14 such federal standards as are made applicable by subsection  
15 (2) of this Section. In order to carry out this authority,  
16 the Commission shall have the authority to determine the  
17 number, type, and location of traffic control devices on the  
18 track approach leg or legs of the intersection and the timing  
19 of the railroad preemption sequence of operation. The  
20 Commission shall prescribe the division of costs for  
21 installation and maintenance of all devices required by this  
22 paragraph between the railroad or railroads and the highway  
23 authority in interest and in instances involving the use of  
24 the Grade Crossing Protection Fund or a State highway, the  
25 Illinois Department of Transportation.

26 Any person who unlawfully or maliciously removes, throws  
27 down, damages or defaces any sign, signal, gate or other  
28 protective device, located at or near any public grade  
29 crossing, shall be guilty of a petty offense and fined not  
30 less than \$50 nor more than \$200 for each offense. In  
31 addition to fines levied under the provisions of this Section  
32 a person adjudged guilty hereunder may also be directed to  
33 make restitution for the costs of repair or replacement, or  
34 both, necessitated by his misconduct.



1           It is the public policy of the State of Illinois to  
2 enhance public safety by establishing safe grade crossings.  
3 In order to implement this policy, the Illinois Commerce  
4 Commission is directed to conduct public hearings and to  
5 adopt specific criteria by July 1, 1994, that shall be  
6 adhered to by the Illinois Commerce Commission in determining  
7 if a grade crossing should be opened or abolished. The  
8 following factors shall be considered by the Illinois  
9 Commerce Commission in developing the specific criteria for  
10 opening and abolishing grade crossings:

- 11           (a) timetable speed of passenger trains;
- 12           (b) distance to an alternate crossing;
- 13           (c) accident history for the last 5 years;
- 14           (d) number of vehicular traffic and posted speed  
15 limits;
- 16           (e) number of freight trains and their timetable  
17 speeds;
- 18           (f) the type of warning device present at the grade  
19 crossing;
- 20           (g) alignments of the roadway and railroad, and the  
21 angle of intersection of those alignments;
- 22           (h) use of the grade crossing by trucks carrying  
23 hazardous materials, vehicles carrying passengers for  
24 hire, and school buses; and
- 25           (i) use of the grade crossing by emergency  
26 vehicles.

27           The Illinois Commerce Commission, upon petition to open  
28 or abolish a grade crossing, shall enter an order opening or  
29 abolishing the crossing if it meets the specific criteria  
30 adopted by the Commission.

31           Except as otherwise provided in this subsection (3), in  
32 no instance shall a grade crossing be permanently closed  
33 without public hearing first being held and notice of such  
34 hearing being published in an area newspaper of local general

1 circulation.

2 (4) Freight Trains - Radio Communications. The  
3 Commission shall after hearing and order require that every  
4 main line railroad freight train operating on main tracks  
5 outside of yard limits within this State shall be equipped  
6 with a radio communication system. The Commission after  
7 notice and hearing may grant exemptions from the requirements  
8 of this Section as to secondary and branch lines.

9 (5) Railroad Bridges and Trestles - Walkway and  
10 Handrail. In cases in which the Commission finds the same to  
11 be practical and necessary for safety of railroad employees,  
12 bridges and trestles, over and upon which railroad trains are  
13 operated, shall include as a part thereof, a safe and  
14 suitable walkway and handrail on one side only of such bridge  
15 or trestle, and such handrail shall be located at the outer  
16 edge of the walkway and shall provide a clearance of not less  
17 than 8 feet, 6 inches, from the center line of the nearest  
18 track, measured at right angles thereto.

19 (6) Packages Containing Articles for First Aid to  
20 Injured on Trains. All rail carriers shall provide a package  
21 containing the articles prescribed by the Commission, on each  
22 train or engine, for first aid to persons who may be injured  
23 in the course of the operation of such trains.

24 (7) Abandoned Bridges, Crossings, and Other Rail Plant.  
25 The Commission shall have authority, after notice and  
26 hearing, to order:

27 (a) The removal of any abandoned railroad tracks  
28 from roads, streets or other thoroughfares in this State;  
29 and

30 (b) The removal of abandoned overhead railroad  
31 structures crossing highways, waterways, or railroads.

32 The Commission may equitably apportion the cost of such  
33 actions between the rail carrier or carriers, public  
34 utilities, and the State, county, municipality, township,

1 road district, or other public authority in interest.

2 (8) Railroad-Highway Bridge Clearance. A vertical  
3 clearance of not less than 23 feet above the top of rail  
4 shall be provided for all new or reconstructed highway  
5 bridges constructed over a railroad track. The Commission  
6 may permit a lesser clearance if it determines that the 23  
7 foot clearance standard cannot be justified based on  
8 engineering, operational, and economic conditions.

9 (Source: P.A. 90-691, eff. 1-1-99; 91-725, eff. 6-2-00.)

10 (625 ILCS 5/18c-7402) (from Ch. 95 1/2, par. 18c-7402)

11 Sec. 18c-7402. Safety Requirements for Railroad  
12 Operations.

13 (1) Obstruction of Crossings.

14 (a) Obstruction of Emergency Vehicles. Every  
15 railroad shall be operated in such a manner as to  
16 minimize obstruction of emergency vehicles at crossings.  
17 Where such obstruction occurs and the train crew is aware  
18 of the obstruction, the train crew shall immediately take  
19 any action, consistent with safe operating procedure,  
20 necessary to remove the obstruction. In the Chicago and  
21 St. Louis switching districts, every railroad dispatcher  
22 or other person responsible for the movement of railroad  
23 equipment in a specific area who receives notification  
24 that railroad equipment is obstructing the movement of an  
25 emergency vehicle at any crossing within such area shall  
26 immediately notify the train crew through use of existing  
27 communication facilities. Upon notification, the train  
28 crew shall take immediate action in accordance with this  
29 paragraph.

30 (b) Obstruction of Highway at Grade Crossing  
31 Prohibited. It is unlawful for a rail carrier to permit  
32 any train, railroad car or engine to obstruct public  
33 travel at a railroad-highway grade crossing for a period

1 in excess of 10 minutes, except where such train or  
2 railroad car is continuously moving or cannot be moved by  
3 reason of circumstances over which the rail carrier has  
4 no reasonable control.

5 In a county with a population of greater than  
6 1,000,000, as determined by the most recent federal  
7 census, during the hours of 7:00 a.m. through 9:00 a.m.  
8 and 4:00 p.m. through 6:00 p.m. it is unlawful for a rail  
9 carrier to permit any single train or railroad car to  
10 obstruct public travel at a railroad-highway grade  
11 crossing in excess of a total of 10 minutes during a 30  
12 minute period, except where the train or railroad car  
13 cannot be moved by reason or circumstances over which the  
14 rail carrier has no reasonable control. Under no  
15 circumstances will a moving train be stopped for the  
16 purposes of issuing a citation related to this Section.  
17 However, no employee acting under the rules or orders of  
18 the rail carrier or its supervisory personnel may be  
19 prosecuted for a violation of this subsection (b).

20 (c) Punishment for Obstruction of Grade Crossing.  
21 Any rail carrier violating paragraph (b) of this  
22 subsection shall be guilty of a petty offense and fined  
23 not less than \$200 nor more than \$500 if the duration of  
24 the obstruction is in excess of 10 minutes but no longer  
25 than 15 minutes. If the duration of the obstruction  
26 exceeds 15 minutes the violation shall be a business  
27 offense and the following fines shall be imposed: if the  
28 duration of the obstruction is in excess of 15 minutes  
29 but no longer than 20 minutes, the fine shall be \$500; if  
30 the duration of the obstruction is in excess of 20  
31 minutes but no longer than 25 minutes, the fine shall be  
32 \$700; if the duration of the obstruction is in excess of  
33 25 minutes, but no longer than 30 minutes, the fine shall  
34 be \$900; if the duration of the obstruction is in excess

1 of 30 minutes but no longer than 35 minutes, the fine  
2 shall be \$1,000; if the duration of the obstruction is in  
3 excess of 35 minutes, the fine shall be \$1,000 plus an  
4 additional \$500 for each 5 minutes of obstruction in  
5 excess of 25 minutes of obstruction.

6 (d) Chronic obstruction of a grade crossing. Within  
7 the Chicago switching district, the Commission may, after  
8 investigation, make a determination that a railroad has  
9 engaged in chronic obstruction of a grade crossing. The  
10 Commission shall investigate allegations that a  
11 railroad's trains repeatedly and with great rate of  
12 recurrence obstruct a grade crossing by frequently  
13 stopping and causing disruption of vehicular traffic and  
14 endangering the lives and safety of the citizens of this  
15 State by interfering with the operation of ambulances and  
16 fire department vehicles. If, after reasonable notice and  
17 a hearing at which the railroad is entitled to be  
18 represented by counsel, present evidence, and otherwise  
19 be heard, the Commission finds probable cause to believe  
20 that, within a 2 week period, the railroad's trains have  
21 stopped traffic at a described crossing for 20 minutes or  
22 longer on 3 or more occasions, the Commission shall refer  
23 the matter to the State's Attorney of the county in which  
24 the obstruction has occurred, together with any  
25 transcript, documents, and other physical evidence  
26 presented at a the hearing, for prosecution for the  
27 chronic obstruction of a grade crossing within the  
28 Chicago switching district or any other indicated  
29 offense.

30 (e) Chronic obstruction of a grade crossing within  
31 the Chicago switching district. A person commits the  
32 offense of chronic obstruction of a grade crossing within  
33 the Chicago switching district if the person is a  
34 railroad officer or director whose managerial duties

1 include the establishment, maintenance, or supervision of  
2 the railroad's routes, traffic, or timetables; or the  
3 person is a railroad officer or director whose managerial  
4 duties include the supervision of, oversight of, or  
5 responsibility for track or other railroad-related  
6 construction, maintenance, or improvements at the site of  
7 an obstructed grade crossing and:

8 (i) a train or combination of trains subject to  
9 that person's supervision, scheduling, direction, or  
10 oversight has stopped traffic within the Chicago  
11 switching district at the same railroad crossing for  
12 20 minutes or longer on 3 or more occasions within a  
13 2 week period; or

14 (ii) a train or combination of trains has  
15 stopped traffic within the Chicago switching  
16 district at the same railroad crossing for 20  
17 minutes or longer on 3 or more occasions within a 2  
18 week period due to track or other railroad  
19 construction, maintenance, or improvements subject  
20 to that person's supervision, responsibility, or  
21 oversight.

22 The railroad or railroad corporation employing that  
23 person is also liable for violations of this Section.

24 A railroad or rail carrier which operates trains or  
25 constructs, maintains, or improves track within the  
26 Chicago switching district shall be deemed to have given  
27 consent to prosecution under this Section of itself and  
28 on behalf of officers and directors subject to the  
29 provisions of this Section. The officers and directors of  
30 that railroad shall also be deemed to have given consent  
31 to their prosecution under this Section.

32 Chronic obstruction of a grade crossing within the  
33 Chicago switching district is a Class C misdemeanor for  
34 the first offense. For a second or subsequent offense at

1 the same location the penalty is a Class B misdemeanor  
2 and the fine shall be triple the fine amount of the first  
3 offense.

4 (2) Other Operational Requirements.

5 (a) Bell and Whistle-Crossings. Every rail carrier  
6 shall cause a bell, and a whistle or horn to be placed  
7 and kept on each locomotive, and shall cause the same to  
8 be rung or sounded by the engineer or fireman, at the  
9 distance of a least 1,320 feet, from the place where the  
10 railroad crosses or intersects any public highway, and  
11 shall be kept ringing or sounding until the highway is  
12 reached; provided that at crossings where the Commission  
13 shall by order direct, only after a hearing has been held  
14 to determine the public is reasonably and sufficiently  
15 protected, the rail carrier may be excused from giving  
16 warning provided by this paragraph.

17 (b) Speed Limits. Each rail carrier shall operate  
18 its trains in compliance with speed limits set by the  
19 Commission. The Commission may set train speed limits  
20 only where such limits are necessitated by extraordinary  
21 circumstances effecting the public safety, and shall  
22 maintain such train speed limits in effect only for such  
23 time as the extraordinary circumstances prevail.

24 The Commission and the Department of Transportation  
25 shall conduct a study of the relation between train  
26 speeds and railroad-highway grade crossing safety. The  
27 Commission shall report the findings of the study to the  
28 General Assembly no later than January 5, 1997.

29 (c) Special Speed Limit; Pilot Project. The  
30 Commission and the Board of the Commuter Rail Division of  
31 the Regional Transportation Authority shall conduct a  
32 pilot project in the Village of Fox River Grove, the site  
33 of the fatal school bus accident at a railroad crossing  
34 on October 25, 1995, in order to improve railroad

1 crossing safety. For this project, the Commission is  
2 directed to set the maximum train speed limit for  
3 Regional Transportation Authority trains at 50 miles per  
4 hour at intersections on that portion of the intrastate  
5 rail line located in the Village of Fox River Grove. If  
6 the Regional Transportation Authority deliberately fails  
7 to comply with this maximum speed limit, then any entity,  
8 governmental or otherwise, that provides capital or  
9 operational funds to the Regional Transportation  
10 Authority shall appropriately reduce or eliminate that  
11 funding. The Commission shall report to the Governor and  
12 the General Assembly on the results of this pilot project  
13 in January 1999, January 2000, and January 2001. The  
14 Commission shall also submit a final report on the pilot  
15 project to the Governor and the General Assembly in  
16 January 2001. The provisions of this subsection (c),  
17 other than this sentence, are inoperative after February  
18 1, 2001.

19 (3) Report and Investigation of Rail Accidents.

20 (a) Reports. Every rail carrier shall report to the  
21 Commission, by the speediest means possible, whether  
22 telephone, telegraph, or otherwise, every accident  
23 involving its equipment, track, or other property which  
24 resulted in loss of life to any person. In addition,  
25 such carriers shall file a written report with the  
26 Commission. Reports submitted under this paragraph shall  
27 be strictly confidential, shall be specifically  
28 prohibited from disclosure, and shall not be admissible  
29 in any administrative or judicial proceeding relating to  
30 the accidents reported.

31 (b) Investigations. The Commission may investigate  
32 all railroad accidents reported to it or of which it  
33 acquires knowledge independent of reports made by rail  
34 carriers, and shall have the power, consistent with



1 standards and procedures established under the Federal  
2 Railroad Safety Act, as amended, to enter such temporary  
3 orders as will minimize the risk of future accidents  
4 pending notice, hearing, and final action by the  
5 Commission.

6 (Source: P.A. 90-187, eff. 1-1-98; 91-675, eff. 6-1-00.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.